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Letter dated 30 August 2017 from the Secretary-General addressed to the President of the Security Council

I have the honour to refer to resolution 2363 (2017) of 29 June 2017, in which the Security Council requested that I provide an assessment of the status of implementation of the Doha Document for Peace in Darfur in the next 60-day report on the African Union-United Nations Hybrid Operation in Darfur (UNAMID).*

Please find enclosed the review of the implementation of the Doha Document for Peace in Darfur (see annex).

(*Signed*) António **Guterres**

* The report is circulated under the symbol S/2017/748.

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Annex

Implementation of the Doha Document for Peace in Darfur and Security Council resolution 2363 (2017)

1. The Doha Document for Peace in Darfur, although still contested by three holdout armed movements six years after its adoption by the Government of the Sudan and a number of breakaway groups, laid the ground for a number of institutional and legislative reforms, and political and security arrangements, which, if implemented in a sustainable way, may address the main root causes of the Darfur rebellion. In this context, the African Union-United Nations Hybrid Operation in Darfur (UNAMID), through its mandate on the protection of civilians, support to the political process and the mediation of intercommunal conflicts, plays a critical role in the implementation of the Doha Document's provisions relating to internally displaced persons, security arrangements, justice and reconciliation, and internal dialogue and consultation.

2. The following assessment focuses only on those provisions of the Doha Document which are relevant to and within the purview of the mission's mandate in line with Security Council resolution 2363 (2017), whereas its comprehensive evaluation belongs to the parties, the Implementation Follow-up Commission, and ultimately to the people of Darfur.

Protection of civilians and facilitation of humanitarian access

3. While the institutional framework and the physical infrastructure have been gradually established since the early stages of the implementation of the Doha Document, these achievements have not yet resulted in durable solutions for internally displaced persons, mainly because of concerns over security, access to land and provision of services. The Voluntary Return and Resettlement Commission was part of the Darfur Regional Authority since 2012, and it continues to function within the successor to the Authority, the Darfur Peace Follow-up Office. Despite its plans for new projects, the Commission is not able to implement them, for lack of funding and staff. Furthermore, since 2012, a total of 703 voluntary return villages have been established across 48 localities in Darfur, including 192 in South Darfur, 79 in Central Darfur, 94 in East Darfur, 134 in West Darfur and 204 in North Darfur. Internally displaced persons are, however, reluctant to return, citing concerns about harassment by armed militia and the lack of sustainable services. Moreover, the implementation of provisions on the issuance of cards for internally displaced persons and their compensations has been slow to date.

4. In the same context, two issues related to the Doha Document with major impact on the protection of civilians and the provision of durable solutions for the internally displaced, namely the future of militia groups and civilian disarmament, remain to be addressed in a comprehensive way. My special report on the strategic review of UNAMID, prepared jointly with the Chairperson of the African Union Commission (S/2017/437), provides an analysis of both issues as a significant source of insecurity for the 2.7 million internally displaced persons in Darfur. In August, the Government, through Vice-President Hassabo Mohamed Abdel Rahman, Chairman of the Darfur Disarmament Higher Committee, established in April 2016, launched the process for the collection of weapons from the civilian population and the militia. In the meantime, measurable progress has been achieved on the disarmament, demobilization and reintegration of the former combatants. A total of 4,028 ex-combatants were demobilized under the Darfur Peace Agreement in 2009-2011 and, as at 15 August 2017, 6,232 combatants have been demobilized under the Doha Document. UNAMID, in collaboration with the Sudan Disarmament,

Demobilization and Reintegration Commission, has provided technical and logistical support, as well as the payment of transition safety allowances. Funding gaps have delayed the provision of reintegration assistance, which could potentially jeopardize the sustainability of past achievements.

5. Against this backdrop, the restoration/extension of State authority, especially in the areas of the rule of law, including human rights, and the security sector, creates the necessary enabling environment for long-term solutions. Key institutions related to justice and reconciliation have been established since 2012, specifically the Truth, Justice and Reconciliation Commission and the Special Criminal Court on the Events in Darfur, with "jurisdiction over gross violations of human rights and serious violations of international humanitarian law committed in Darfur since February 2003". Furthermore, in April 2016, the National Supreme Court Division for the Darfur States was established in Nyala, South Darfur, constituted of nine Supreme Court judges, with jurisdiction over appeals in criminal and civil cases. Since January 2015, 74 prosecutors have reportedly been deployed across all Darfur localities and, in 2016, new district court magistrates were deployed in Ed Daein, East Darfur, and, more recently, in South Darfur. In 2016, some 200 rural courts were reportedly present in Darfur, dealing mainly with land disputes. In addition, some 13,000 police officers are deployed across Darfur. The functioning, however, of all these institutions is severely hampered by the lack of resources and available funds: the Truth, Justice and Reconciliation Commission has reportedly completed the mapping and analysis of conflicts, but there have been no further activities; the prosecutors are complaining about lack of equipment, especially in remote areas; furthermore, the Special Court is seen as largely ineffective by human rights organizations because of lack of resources and political will. Addressing these challenges requires great political will on the part of the Sudanese authorities.

Mediation between the Government of the Sudan and non-signatory armed movements

6. On the political front, there were significant developments: the establishment of the Darfur Regional Authority and the inclusion of the Doha Document in the Interim Constitution of the Sudan. Likewise, key institutional structures within the "permanent ceasefire and security arrangements" were put in place at a very early stage of the implementation of the Doha Document. The Ceasefire Commission and the Joint Commission, where UNAMID has leading functions, were set up in 2011, while the Darfur Security Arrangements Implementation Commission was established in 2012 as part of the Darfur Regional Authority. A comprehensive ceasefire has not materialized, while three armed movements, the Sudan Liberation Army/Abdul Wahid, the Sudan Liberation Army/Minni Minawi and the Justice and Equality Movement, are contesting the Doha Document as the framework for a political agreement and to date have yet to sign a cessation of hostilities. In its absence, the Government and the rebel groups continue to extend unilateral ceasefires.

7. Provisions relating to the Darfur Regional Authority and its residual commissions, after its closure in 2016, and the Darfur Internal Dialogue and Consultation are critical to the implementation of the Doha Document and also lay at the core of the UNAMID mandate, as stipulated by the Security Council in its resolution 2363 (2017) and detailed in the joint special report (S/2017/437). The Darfur Regional Authority successfully implemented a number of provisions of the Doha Document, and then was dissolved in 2016. While its residual commissions have been part of the Darfur Peace Follow-up Office under the Presidency since January 2017, they need to be adequately resourced and empowered to carry out their mandates. In the meantime, despite major delays and lack of funds, consultations in the context of the Darfur Internal Dialogue and Consultation are

about to conclude, pending their conduct in one locality in the third and final stage of the process, supported by UNAMID. A parallel process of national dialogue was launched in 2015 as a means of achieving consensus on constitutional reform in the Sudan, which concluded in October 2016 with the adoption of a national document. A list of 981 recommendations on system of government, the principle of democracy, the concept of equal citizenship and the diverse Sudanese identity are agreed upon as the basis for the drafting of a new constitution. Under criticism by opposition groups for a non-inclusive process, the Government has expressed openness for them to join the process. Against this backdrop, ways should be explored of channelling the findings of the Darfur Internal Dialogue and Consultation in the constitutional review process, on the basis of the national document.

Mediation of intercommunal conflicts

8. As intercommunal conflicts in Darfur are one of the main sources of violence and directly related to the root causes of conflict (see S/2017/437), institutional arrangements and interventions in this area have direct impact on achieving a sustainable peace in Darfur. The provisions of the Doha Document on the establishment of the joint coordination committees, to deal with early warning and prevention of escalation at the Darfur States level, and the Darfur Land Commission have been completed. Furthermore, progress is reported on the completion of the mapping database of land use, but it is not clear whether other provisions on the membership in the National Petroleum Commission and the benefits from the oil revenues have been implemented. Besides, the Land Act, a major legislative development in addressing one of the main causes at the root of the Darfur rebellion, has not yet been adopted. UNAMID is mandated to provide support to mechanisms of local conflict resolution and also, in coordination with the United Nations country team, to provide technical assistance and logistical support towards establishing an institutional and legal framework to address the root causes of conflict.

Observations

9. Six years after the adoption of the Doha Document, the people of Darfur have yet to fully benefit from the political realities and the legislative space that agreement created, as the implementation of its provisions remains uneven and unsustainable. Despite achievements accomplished thus far on the setting up of the necessary institutional and legal framework, the lack of an all-inclusive political agreement and commitment, as well as operational and resource challenges, are having a serious impact on its outcome. In this context, the review of the national constitution on the basis of the national document and the Darfur Internal Dialogue and Consultation, the completion of a permanent ceasefire with armed movements, the disarmament of the civilian population and the militia, the adoption of the Land Act and the functioning of institutions established under the Doha Document remain key prerequisites for achieving sustainable peace in Darfur.

Engagement framework for the implementation of Security Council resolution 2363 (2017)

A. Protection of civilians and facilitation of humanitarian access

Security Council resolution 2363 (2017)	*Provisions of the Doha Document for Peace in Darfur*	*Role of UNAMID*	*Institutional achievements: progress to date*	*Legal policy achievements: progress to date*
Protection of internally displaced persons				
Protect civilians across Darfur, including women and children	Modalities in place to provide security and protection from all forms of physical attack, with support from UNAMID [*art. 44, paras. 226-229; art. 45, paras. 230-231*]	Preventative and pre-emptive posture. Secure internally displaced person camps and areas of return. Mission-wide protection of civilians strategy.	Ongoing	
Humanitarian access				
Removal of obstacles to UNAMID/ humanitarian actors to reach conflict-affected areas	Modalities in place to ensure full access by UNAMID/United Nations [*art. 45, para. 233*]			New directives from the Humanitarian Aid Commission of December 2016 improved humanitarian access
Durable solutions for internally displaced persons				
Through return to areas of origin or resettlement in their current areas	Mechanisms and modalities in place to ensure freedom of movement of internally displaced persons [*art. 46, paras. 235-237; art. 47, para. 238; art. 48, paras. 239-240*]	Create security conditions for provision of humanitarian assistance and to facilitate return	Issuance of identity cards ongoing	
	Conditions in place to ensure the right to voluntary return [*art. 49, paras. 241-246*]	With United Nations humanitarian/country team assist in creating conditions conducive to voluntary and sustainable return	703 return villages established since 2012 across Darfur	
	Mechanisms in place to ensure necessary conditions for return of internally displaced persons [*art. 50, para. 249*]			

Security Council resolution 2363 (2017)	*Provisions of the Doha Document for Peace in Darfur*	*Role of UNAMID*	*Institutional achievements: progress to date*	*Legal/policy achievements: progress to date*
	Voluntary Return and Resettlement Commission fully functioning [*art. 51, paras. 252-259*]	In coordination with the United Nations country team, provision of technical assistance and logistical support to the residual commissions of the former Darfur Regional Authority	Voluntary Return and Resettlement Commission established in 2011. New projects for 2017 but currently it lacks funding and staffing.	
	Compensation/Jabr al Darar mechanism fully functional [*art. 57, paras. 301-304*]			
Restoration/extension of State authority (stabilizing the situation)				
Support the Government of the Sudan police			13,000 police officers deployed in 74 police stations and 54 police substations across Darfur	
Support national mine-action institutions	Conditions suitable for return [*art. 50, para. 249 (iii)*]	Technical mine-action advice and coordination, and demining capacity in support of national institutions		
Assist in the implementation of the provisions of the Doha Document for Peace in Darfur related to human rights and rule of law	Promotion of human rights and fundamental freedoms [*art. 1, paras. 1-18; art. 61, para. 331*] Facilitate access to justice [*art. 56, paras. 296 (i)-(v)*]	Provide advice and logistical support for development of transitional justice and human rights institutions (Special Court for Darfur, criminal justice institutions, rural courts) in areas of return	In 2016, the National Human Rights Commission's regional office established in El Fasher. In April 2016, National Supreme Court division for Darfur established and new district court magistrates deployed. Lack of resources. In 2016, 200 rural courts were reported in Darfur dealing mainly with land disputes.	

Security Council resolution 2363 (2017)	*Provisions of the Doha Document for Peace in Darfur*	*Role of UNAMID*	*Institutional achievements: progress to date*	*Legal policy achievements: progress to date*
	Truth, Justice and Reconciliation Commission fully functioning [*art. 58, paras. 311-321*]		Truth, Justice and Reconciliation Commission established in 2012. Completed mapping and analysis of conflict. No follow-up activities.	
	Special Court for Darfur [*art. 59, paras. 322-328*]		Special Court for Darfur established in 2012. The majority of cases are referred to the regular courts.	
Security-sector reform related issues, including militias and disarmament, pursuant to the Doha Document for Peace in Darfur and guided by the African Union security sector reform framework	Reform of some military institutions in Darfur and need for funding and experts [*art. 74, paras. 463-464*]			
	Disarmament of militia groups and the responsibility of the Government of the Sudan [*art. 67, paras. 399-401*]	Technical and logistical assistance to the Sudan Disarmament, Demobilization and Reintegration Commission on strategy and plans.	Civilian disarmament officially launched by the Second Vice-President in August 2017.	
	Voluntary civilian arms control [*art. 71, paras. 416-417*]	Assistance with demobilization of combatants.	6,232 ex-combatants demobilized under the Doha Document for Peace in Darfur.	
	Disarmament and demobilization of Movements' combatants [*art. 72, paras. 422 and 430-432*] — UNAMID "support and monitoring"	Training on community policing, including on providing security in internally displaced person camps and along migration routes		

B. Intercommunal conflict

Security Council resolution 2363 (2017)	*Provisions of the Doha Document for Peace in Darfur*	*Role of UNAMID*	*Institutional arrangements: progress to date*	*Legal policy arrangements: progress to date*
Support mediation				
Through supporting local conflict resolution mechanisms by working with Government of the Sudan, tribal and militia leaders	Joint coordination committees to deal with early warning and prevention of escalation: local Government and native administrations are empowered to address consequences of the conflict [*art. 13, para. 86*]	Technical and logistical support to local conflict resolution mechanisms in coordination with the United Nations country team. Develop an action plan on prevention and resolution of inter-communal conflict in each State of Darfur	Joint coordination committees established in all five Darfur States	
Addressing root causes of conflict				
Support implementation of a legal and institutional framework to address root causes of conflict	Modify the laws to include rights to land and its use (*hawakeer*) [*art. 33, para. 182*]	Demarcation of migratory routes and rehabilitation of *rihoods* (natural water points)		Work on Land Act ongoing. Not adopted to date.
	Establish mechanisms to ensure sustainable management and use of lands and other natural resources [*art. 33, para. 186*]	In coordination with the United Nations country team, provision of technical assistance and logistical support to the residual bodies of the Darfur Regional Authority	Relevant residual bodies of the Darfur Regional Authority (Darfur Land Commission, Truth, Justice and Reconciliation Commission and Voluntary Return and Resettlement Commission) have yet to be established in Darfur. Their heads were appointed in January 2017, but based in Khartoum. Their mandate is still unclear and their capacity very limited.	
	Darfur States land use mapping database developed [*art. 38, para. 197*]			90 per cent of mapping database completed

Security Council resolution 2363 (2017)	*Provisions of the Doha Document for Peace in Darfur*	*Role of UNAMID*	*Institutional arrangements: progress to date*	*Legal policy arrangements: progress to date*
	Darfur Land Commission exercising full competences [*art. 38, paras. 196-207*]		Darfur Land Commission established	
	Darfur States to be represented by three non-permanent members in the National Petroleum Commission [*art. 41, para. 214*]			
	Oil-producing states to benefit 2 per cent of oil revenue [*art. 41, para. 215*]			

C. Mediation between the Government of the Sudan and non-signatory armed movements

Security Council resolution 2363 (2017)	*Provisions of the Doha Document for Peace in Darfur*	*Role of UNAMID*	*Institutional arrangements: progress to date*	*Legal policy arrangements: progress to date*
Support peace process				
Focus on negotiations on cessation of hostilities	Ceasefire Commission and role of UNAMID [*art. 64, paras. 342 and 348-353*]	Support process led by the African Union High-level Implementation Panel	Ceasefire Commission established in 2011	
		Force Commander, as Chair of the Ceasefire Commission		
	Joint Commission resolving disputes between the parties, referred by the Ceasefire Commission [*art. 65, paras. 366-369*]	Joint Special Representative as Chair of the Joint Commission	Joint Commission established in 2011	
	Darfur Security Arrangements Implementation Commission, as part of the Darfur Regional Authority to implement security arrangements [*art. 74, paras. 448-451*]	Member of the Commission	Darfur Security Arrangements Implementation Commission established in 2012 as part of the Darfur Regional Authority	

Security Council resolution 2363 (2017)	*Provisions of the Doha Document for Peace in Darfur*	*Role of UNAMID*	*Institutional arrangements: progress to date*	*Legal/policy arrangements: progress to date*
Support residual bodies of the Darfur Regional Authority				
Focus on return, internal dialogue, justice, reconciliation and land	See "Addressing root causes of conflict" above	In coordination with the United Nations country team, provide technical assistance and logistical support to residual bodies of the Darfur Regional Authority		
Support implementation of the Darfur Internal Dialogue and Consultation				
	Darfur Internal Dialogue and Consultation as a popular consultation to consolidate peace in Darfur [*art. 76, para. 473*]	Facilitate and provide logistical support. Advocate for inclusion of outcomes in the constitutional review process	Mechanism in place. Close to completion. One locality remaining from the third and final phase	Modalities in place
	Facilitation, logistical support and funding [*art. 76, paras. 474-478*]			